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*Attorneys for Plaintiff* EDGAR SOLIS

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

EDGAR SOLIS,

Plaintiff,

vs.

STATE OF CALIFORNIA; MICHAEL  
BELL; and DOES 1-10, inclusive,

Defendants.

Case No.: 5:23-cv-00515-HDV-JPR

[*Honorable Hernán D. Vera*]  
Magistrate Judge Jean P. Rosenbluth

**COMPETING VERDICT FORMS**

**Final Pretrial Conference:**

Date: October 8, 2024

Time: 10:00 a.m.

**Trial:**

Date: October 29, 2024

Time: 09:00 a.m.

Place: Courtroom 10D

**TO THIS HONORABLE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

By and through their attorneys of record in this action, Plaintiff Edgar Solis and Defendants State of California and Michael Bell hereby submit the following Competing Verdict Forms as follows:

Attachment	Title	Page
A	Plaintiff's Proposed Verdict Form	2
B	Defendants' Proposed Verdict Form	8
C	Redline Verdict Form of Disputed Language	15
D	Plaintiff's Position	22
E	Defendants' Position	24

Plaintiff reserves the right to amend this and any other [Proposed] Special Verdict Form, subject to any objections, motions *in limine*, and applicable Orders of the Court.

Respectfully Submitted,

DATED: September 24, 2024

**LAW OFFICES OF DALE K. GALIPO  
LAW OFFICES OF GRECH & PACKER**

By: /s/ Marcel F. Sincich  
Dale K. Galipo  
Marcel F. Sincich  
Trent C. Packer  
*Attorney for Plaintiff*

DATED: September 24, 2024

**ROB BONTA**  
Attorney General of California  
**RHONDA L. MALLORY**  
Supervising Deputy Attorney General

By: /s/ David Klehm  
**DAVID KLEHM**  
Deputy Attorney General  
*Attorneys for Defendant State of California (by and through the California Highway Patrol) and Michael Bell*

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ATTACHMENT A  
Plaintiff's Proposed Verdict Form

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**UNITED STATES DISTRICT COURT  
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EDGAR SOLIS,  
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v.

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MICHAEL BELL,  
Defendants.

Case No.: 5:23-cv-00515-HDV-JPR  
[*Honorable Hernán D. Vera*]

**VERDICT FORM**

**JOINT AGREED UPON VERDICT FORM**

We, the jury in the above-entitled action, find the following:

**PART I: DEFENDANT OFFICER MICHAEL BELL LIABILITY**

**FOURTH AMENDMENT EXCESSIVE FORCE & BATTERY CLAIMS**

**Question No. 1: Did Officer Michael Bell use excessive or unreasonable force against Edgar Solis?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*If you answered "Yes" to Question No. 1, please answer Question No. 2.*

*If you answered "No" to Question No. 1, please answer Question No. 3.*

**Question No. 2: Was Officer Michael Bell's use of force a cause of injury, damage, or harm to Edgar Solis?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*Please answer Question No. 3.*

**NEGLIGENCE CLAIM**

**Question No. 3: Was Officer Michael Bell negligent in his conduct against Edgar Solis?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*If you answered "Yes" to Question No. 3, please answer Question No. 4.*

*If you answered “No” to Question No. 3, but “Yes” as to Question No. 2, please proceed to answer Question No. 8.*

*If you answered “No” in Question No. 2, and Question No. 3, please sign and date the verdict form and return it to the Court.*

**Question No. 4: Was Officer Michael Bell’s negligence a cause of injury, damage, or harm to Edgar Solis?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*If you answered “Yes” in Question No. 4, please answer Question No. 5.*

*If you answered “No” to Question No. 4, but “Yes” as to Question No. 2, please proceed to answer Question No. 8.*

*If you answered “No” in Question No. 2, and Question No. 4, please sign and date the verdict form and return it to the Court.*

**Question No. 5: Was Edgar Solis negligent?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*If you answered “Yes” to Question No. 5, please answer Question No. 6.*

*If you answered “No” to Question No. 5, please answer Question No. 8.*

**Question No. 6: Was Edgar Solis’ negligence a cause of his own injuries?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*Please answer Question No. 7.*

**Question No. 7: What percentage of responsibility for Edgar Solis' injury or harm do you assign to the negligent conduct, if any, of the following?**

Officer Michael Bell \_\_\_\_\_ %

Edgar Solis \_\_\_\_\_ %

(Total must equal 100 %)

*If you answered "Yes" to Question No. 2, please answer Question No. 8.*

**THE BANE ACT CLAIM**

**Question No. 8: Did Officer Michael Bell violate the Bane Act?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*Please proceed to Part II on the next page and answer Question No. 9.*

**PART II: PLAINTIFF EDGAR SOLIS' DAMAGES**

**Question No. 9: What are Edgar Solis' damages for the following:**

Past physical pain and suffering: \$ \_\_\_\_\_

Future physical pain and suffering: \$ \_\_\_\_\_

Past mental pain and suffering: \$ \_\_\_\_\_

Future mental pain and suffering: \$ \_\_\_\_\_

*Please answer Question No. 10.*

**Question No. 10: Did Officer Michael Bell act with malice, oppression, or in reckless disregard of Edgar Solis' rights?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*Please sign and date the verdict form and return it to the Court.*

Date: \_\_\_\_\_

Jury Foreperson



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**ATTACHMENT B**  
**Defendants' Proposed Verdict Form**

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**UNITED STATES DISTRICT COURT  
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EDGAR SOLIS,  
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[*Honorable Hernán D. Vera*]

**VERDICT FORM**

**JOINT AGREED UPON VERDICT FORM**

We, the jury in the above-entitled action, find the following:

**PART I: DEFENDANT OFFICER MICHAEL BELL LIABILITY**  
**FOURTH AMENDMENT EXCESSIVE FORCE CLAIM**

**Question No. 1: Did the acts of Officer Bell deprive Edgar Solis of his rights under the United States Constitution prohibiting an unreasonable seizure?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*If you answered "Yes" to Question No. 1, please answer Question No. 2.*

*If you answered "No" to Question No. 1, please answer Question No. 3.*

**Question No. 2: Was Officer Michael Bell's use of excessive force a cause of injury, damage, or harm to Edgar Solis?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

**PART II: DEFENDANT OFFICER MICHAEL BELL LIABILITY**  
**BATTERY BY A POLICE OFFICER CLAIM**

**Question No. 3: Was Officer Bell's use of deadly force necessary to defend human life?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*If you answered "Yes" to Question No. 3, please answer Question No. 5 .*

*If you answered "No" to Question No. 3, please answer Question No. 4*

**Question No. 4: Was Officer Bell's use of deadly force a substantial factor in causing Edgar Solis's injuries.**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*Please answer Question No. 5.*

**NEGLIGENCE CLAIM**

**Question No. 5: Was Officer Michael Bell negligent in his pre-shooting conduct against Edgar Solis?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*If you answered "Yes" to Question No. 3, please answer Question No. 6.*

*If you answered "No" to Question No. 5, but "Yes" as to Question No. 2, please proceed to answer Question No. 14.*

*If you answered "No" in Question No. 2, and "Yes" to Question No. 3 and "No" to Question No. 5, please sign and date the verdict form and return it to the Court.*

**Question No. 6: Was Officer Michael Bell's pre-shooting negligence a cause of injury, damage, or harm to Edgar Solis?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*If you answered "Yes" in Question No. 6, please answer Question No. 7.*

**Question No. 7: Did Officer Bell act in self-defense?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

**Question No. 8: Did Edgar Solis lawfully resist arrest?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

**Question No. 9: Was Edgar Solis negligent?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*If you answered "Yes" to Question No. 9, please answer Question No. 10.*

*If you answered "No" to Question No. 9, please answer Question No. 11.*

**Question No. 10: Was Edgar Solis' negligence a cause of his own injuries?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

**Question No. 11: What percentage of responsibility for Edgar Solis' injury or harm do you assign to the negligent conduct, if any, of the following?**

Officer Michael Bell \_\_\_\_\_ %

Edgar Solis \_\_\_\_\_ %

Deputy Salvator Waltermire \_\_\_\_\_ %

Others (Insert name(s)) \_\_\_\_\_ %

(Total must equal 100 %)

**THE BANE ACT CLAIM**

**Question No. 13: Did the acts of Officer Bell deprive Edgar Solis of his rights prohibiting the use of excessive force by a law enforcement Officer?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

**PART II: PLAINTIFF EDGAR SOLIS' DAMAGES**

**Question No. 13: What are Edgar Solis' damages for the following:**

Past physical pain and suffering: \$ \_\_\_\_\_

Future physical pain and suffering: \$ \_\_\_\_\_

Past mental pain and suffering: \$ \_\_\_\_\_

Future mental pain and suffering: \$ \_\_\_\_\_

*If your answer to Question 12 was "Yes," please answer Question 14. If you answered "No" to Question 12, please skip to the end, and sign and date the verdict form.*

**Question No. 14: Did Officer Michael Bell act with malice, oppression, or in reckless disregard of Edgar Solis' rights?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*Please sign and date the verdict form and return it to the Court.*

1 Date: \_\_\_\_\_

2 Jury Foreperson

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ATTACHMENT C  
Redline Verdict Form of Disputed Language



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**UNITED STATES DISTRICT COURT  
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**VERDICT FORM**

**JOINT AGREED UPON VERDICT FORM**

We, the jury in the above-entitled action, find the following:

**PART I: DEFENDANT OFFICER MICHAEL BELL LIABILITY**

**FOURTH AMENDMENT EXCESSIVE FORCE & ~~BATTERY~~ CLAIMS**

**Question No. 1: Did the acts of Officer Bell deprive Edgar Solis of his rights under the United States Constitution prohibiting an unreasonable seizure ~~Did Officer Michael Bell use excessive or unreasonable force against Edgar Solis?~~**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*If you answered "Yes" to Question No. 1, please answer Question No. 2.*

*If you answered "No" to Question No. 1, please answer Question No. 3.*

**Question No. 2: Was Officer Michael Bell's use of force a cause of injury, damage, or harm to Edgar Solis?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*Please answer Question No. 3.*

**PART II: DEFENDANT OFFICER MICHAEL BELL LIABILITY**

**BATTERY BY A POLICE OFFICER CLAIM**

**Question No. 3: Was Officer Bell's use of deadly force necessary to defend human life?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*If you answered "Yes" to Question No. 3, please answer Question No. 5.*

*If you answered "No" to Question No. 3, please answer Question No. 4*

**Question No. 4: Was Officer Bell's use of deadly force a substantial factor in causing Edgar Solis's injuries.**

                    YES                    

                    NO                    

*Please answer Question No. 5.*

**NEGLIGENCE CLAIM**

**Question No. ~~35~~: Was Officer Michael Bell negligent in his pre-shooting conduct against Edgar Solis**~~Was Officer Michael Bell negligent in his conduct against Edgar Solis?~~

                    YES                    

                    NO                    

*If you answered "Yes" to Question No. 3, please answer Question No. ~~46~~.*

*If you answered "No" to Question No. 3, but "Yes" as to Question No. 2, please proceed to answer Question No. ~~8~~14.*

*If you answered "No" in Question No. 2, and "Yes" to Question No. 3 and "No" to Question No. 5, please sign and date the verdict form and return it to the Court*~~*If you answered "No" in Question No. 2, and Question No. 3, please sign and date the verdict form and return it to the Court.*~~

1 **Question No. 46: Was Officer Michael Bell's pre-shooting negligence a cause of**  
2 **injury, damage, or harm to Edgar Solis**~~Was Officer Michael Bell's~~  
3 ~~negligence a cause of injury, damage, or harm to Edgar Solis?~~

4  
5 \_\_\_\_\_ YES \_\_\_\_\_ NO

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7 *If you answered "Yes" in Question No. 6, please answer Question No. 7.*

8 *If you answered "Yes" in Question No. 4, please answer Question No. 5.*

9 *If you answered "No" to Question No. 4, but "Yes" as to Question No. 2,*  
10 *please proceed to answer Question No. 8.*

11 *If you answered "No" in Question No. 2, and Question No. 4, please sign and*  
12 *date the verdict form and return it to the Court.*

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14 **Question No. 7: Did Officer Bell act in self-defense?**

15 \_\_\_\_\_ YES \_\_\_\_\_ NO

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17 **Question No. 8: Did Edgar Solis lawfully resist arrest?**

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19 \_\_\_\_\_ YES \_\_\_\_\_ NO

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21 **Question No. 59: Was Edgar Solis negligent?**

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23 \_\_\_\_\_ YES \_\_\_\_\_ NO

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25 *If you answered "Yes" to Question No. 59, please answer Question No. 610.*

26 *If you answered "No" to Question No. 59, please answer Question No. 811.*

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28 **Question No. 610: Was Edgar Solis' negligence a cause of his own injuries?**

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\_\_\_\_\_ YES \_\_\_\_\_ NO

~~Please answer Question No. 7.~~

**Question No. 711:** What percentage of responsibility for Edgar Solis’ injury or harm do you assign to the negligent conduct, if any, of the following?

Officer Michael Bell \_\_\_\_\_ %

Edgar Solis \_\_\_\_\_ %

Deputy Salvator Waltermire \_\_\_\_\_ %

Others (Insert name(s)) \_\_\_\_\_ %

(Total must equal 100 %)

~~If you answered “Yes” to Question No. 2, please answer Question No. 8.~~

**THE BANE ACT CLAIM**

**Question No. 813:** Did the acts of Officer Bell deprive Edgar Solis of his rights prohibiting the use of excessive force by a law enforcement Officer~~Did Officer Michael Bell violate the Bane Act?~~

\_\_\_\_\_ YES \_\_\_\_\_ NO

*Please proceed to Part II on the next page and answer Question No. 9.*

**PART II: PLAINTIFF EDGAR SOLIS’ DAMAGES**

**Question No. 913:** What are Edgar Solis’ damages for the following:

Past physical pain and suffering: \$ \_\_\_\_\_

Future physical pain and suffering: \$ \_\_\_\_\_

Past mental pain and suffering: \$ \_\_\_\_\_

Future mental pain and suffering: \$ \_\_\_\_\_

*If your answer to Question 12 was "Yes," please answer Question 14. If you answered "No" to Question 12, please skip to the end, and sign and date the verdict form. Please answer Question No. 10.*

**Question No. 10: Did Officer Michael Bell act with malice, oppression, or in reckless disregard of Edgar Solis' rights?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

*Please sign and date the verdict form and return it to the Court.*

Date: \_\_\_\_\_

Jury Foreperson

## ATTACHMENT D

### Plaintiff's Position

Plaintiff's well thought out proposed verdict form is far better suited for this matter as it uses clear language, avoids confusion, and avoids an inconsistent verdict. Plaintiff contends that there should be only one question on the verdict form for the Excessive Force and Battery Claims, in order to avoid an inconsistent verdict. "Claims of excessive force under California law are analyzed under the same standard of objective reasonableness used in Fourth Amendment claims." *Hayes v. Cnty. of San Diego*, 736 F.3d 1223, 1232 (9th Cir. 2013) (citing *In re Joseph F.*, 85 Cal.App.4th 975, 989 (2000); *Edson v. City of Anaheim*, 63 Cal.App.4th 1269, 1274 (1998) (noting that 42 U.S.C. §1983 is "the federal counterpart of state battery"); *Brown v. Ransweiler*, 171 Cal.App.4th 516, 527 n. 11 (2009) ("Because federal civil rights claims of excessive use of force are the federal counterpart to state battery and wrongful death claims, federal cases are instructive in this area.")) But negligence claims apply a similar but more forgiving standard that considers defendants' conduct leading up to the use of force. *Hayes v. County of San Diego*, 57 Cal.4th 622, 639 (2013). In other words, pre-shooting circumstances might show that an otherwise reasonable use of deadly force was in fact unreasonable." *Id.* at 629-30; *see also Tabares v. City of Huntington Beach*, 988 F.3d 1119, 1125 (9th Cir. 2021) ("the officer's pre-shooting decisions can render his behavior unreasonable under the totality of the circumstances, even if his use of deadly force at the moment of the shooting might be reasonable in isolation.").

Plaintiff version of question one is also more appropriate as it uses the language of "excessive force" with reference to the §1983 claim and "unreasonable force" as used in the Battery instruction.

Plaintiff objects to Defendants proposed battery questions as it implies and incomplete statement of the law. Battery requires immediacy in addition to being necessary to defend human life.

1 Plaintiff objects to Defendants proposed negligence question as it is an  
2 attempt to limit Plaintiff's theory of negligence to only pre-shooting conduct.  
3 Rather, here, Defendant Bell is negligent for his unreasonable use of deadly force as  
4 explained in CACI 441. Additionally, Defendant Bell could be also or alternatively  
5 found negligent for his pre-shooting conduct.

6 Plaintiff objects to Defendants proposed Questions 7 and 8, which correspond  
7 to no model instructions, but only to Defendants' unfairly prejudicial alternative  
8 instructions. These are prejudicial and improper questions for the verdict form.

9 Plaintiff objects to Defendants proposed Question 11 with the addition of the  
10 negligent conduct of Deputy Waltermire and some unidentified "Others" for the  
11 distribution of responsibility. This matter is only about Defendants' wrongful  
12 conduct. Further, there is no apportionment of damages related to Plaintiff's claims  
13 for Excessive Force, Battery, or violation of the Bane Act, and damages on the  
14 verdict form are not being proposed as separate claim for relief. Apportionment, in  
15 general, is unnecessary, especially as to the conduct of non-partes. This is a  
16 distraction to the jury from the main issues in this matter and risks several mini trials  
17 within this trial that will consume unnecessary time and resources, confuse the  
18 issues, and mislead the jury. Fed. R. Evid. 403.

19 Finally, Plaintiff proposed Bane Act question is clear and avoids confusion.  
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# ATTACHMENT E

## Defendants' Position

**1. Question No. 1: Did Officer Michael Bell use excessive or unreasonable force against Edgar Solis?**

This question conflates the elements of two separate Federal and State causes of action.

**2. Question No. 3: Was Officer Michael Bell negligent in his conduct against Edgar Solis?**

This question does not restrict the scope of Officer Bell's negligence to pre-shooting conduct.

**3. Question No. 7: What percentage of responsibility for Edgar Solis' injury or harm do you assign to the negligent conduct, if any, of the following?**

Officer Michael Bell \_\_\_\_\_ %

Edgar Solis \_\_\_\_\_ %

(Total must equal 100 %)

This question does not allow the jury to find that any third party was also responsible for plaintiff's harm.